

1312 Amendment

U.S. Serial No. 09/508,923

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**REMARKS**

During further review of the application prior to issue, Applicants realized that the test method 3 for measuring phosphate binding capacity may not be sufficiently precise to provide a meaningful test. For example, the test results could vary depending on the manufacture of, e.g. cornflakes (considered to be the measure source of phosphate), marmite, etc. Therefore, to avoid any potential ambiguity in the scope of the test procedure, and recognizing that the test methods (1) or (2) provide a more precise test, the present amendments delete test method (3). The breadth of the claims is not expanded by the deletion.

No new matter is introduced by the clarifying claim language, nor is the meaning or scope of the invention expanded to require a new search or consideration.

Therefore, since no undue effort is required and since the amendments to the claims remove a potential ambiguity, entry of the Amendments following allowance is earnestly solicited.

Respectfully submitted,

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